



THE
STATUTES AT LARGE

OF

VIRGINIA,

FROM OCTOBER SESSION 1792, TO DECEMBER SESSION 1806, INCLUSIVE,

IN THREE VOLUMES,

(NEW SERIES,)

BEING A CONTINUATION OF HENING.

VOL. II.

BY SAMUEL SHEPHERD.

RICHMOND:

PRINTED BY SAMUEL SHEPHERD.

1835.

monwealth, may charge both offences in the same indictment, in which case, the jury may acquit the party of one, and find him or her guilty of the other charge.

Benefit of clergy
done away.

13. All claims to dispensation from punishment by benefit of clergy, shall be and are hereby forever abolished; and every person convicted of any felony heretofore deemed clergyable, shall undergo an imprisonment at hard labour and solitary confinement in the said gaol and penitentiary house, for any time not less than six months, and not more than two years, and shall be treated and dealt with as is directed hereafter, except in those cases where some other specific penalty is prescribed by this act.

Murder of the first
degree punishable
by death.

14. Every person convicted of murder of the first degree, his or her aiders, abettors and counsellors, shall suffer death by hanging by the neck.

Periods of confine-
ment in all cases
determinable by a
jury.

15. The jury before whom any offender may be tried, shall decide upon, and in their verdict ascertain the time within the respective periods prescribed, during which such offenders shall undergo confinement in the gaol and penitentiary house herein after mentioned, according to the directions of this act.

Offences not
punishable by this
act, to be punished
as heretofore.

Executive to pur-
chase land near
the city of Rich-
mond for the erec-
tion of the gaol,
&c.

16. Every other felony, misdemeanor or offence whatsoever, not provided for by this act, may and shall be punished as heretofore.

17. The executive of this commonwealth are hereby requested as soon as may be, to cause as much land in or near the city of Richmond, to be purchased for the use of the commonwealth, as will be sufficient for the building of a gaol and penitentiary house, which shall be constructed of brick or stone, upon such plan as will best prevent danger from fire, and sufficient to contain with convenience two hundred convicts at least, with a yard sufficiently capacious adjoining thereto, for the said convicts occasionally to walk about and labour in, which said yard shall be surrounded by walls of such height, as without unnecessary exclusion of air will be sufficient to prevent the escape of the prisoners.

Executive to cause
cells to be con-
structed in the
yard of the gaol.

18. The executive are hereby also requested to cause a suitable number of cells to be constructed in the yard of the said gaol, each of which cells shall be six feet in width, eight feet in length, and nine feet in height, and shall be constructed of brick or stone, upon such plan as will best prevent danger from fire, and the said cells shall be separated from the common yard by walls of such height, as without unnecessary exclusion of air and light, will prevent all external communication, for the purpose of confining therein the offenders who may be sentenced to solitary confinement by virtue of this act.

Executive to draw
from the treasury
money to defray
the expense of
building the gaol,
&c.

19. And for the purpose of defraying the expense of purchasing such land, and of erecting such gaol, cells and walls, the governor by and with the advice of council, shall be and is hereby authorized from time to time to draw from the treasury, a sum not exceeding thirty thousand dollars, to be paid out of any monies which may be in the treasury unappropriated to other purposes, and shall from time to time cause to be laid before the general assembly an account of the expenditure of the same.

Criminals to be
confined in the
gaol and cells.

20. The said gaol and cells shall be appropriated to the purpose of confining such males and females as shall have been convicted of the offences above enumerated as punishable with imprisonment and labour, but the males and females are hereby required to be kept separate and apart from each other; and all the prisoners shall

be subje
herein a

21. E
any crim
fied, sha
and con
poration
and at th
tentary
finement

And eve
safely de
pay the
of record
ration w
as shall s

22. Ex
who shall
shall be
coarse di
prisonme
Provided

twelfth po
have pow
at such in

23. Ar
fence, and
be known
soever an
capital or
is had, sh
cause to b

count of
convict, p
same, and
trial to su
victed of
inspectors
vided for

24. If
or a felon
such offen
she shall l
and penit
confined i
ner as the
hard labor
cape or be
guilty of

without be
an impriso
fined in th
spectors.

25. If
vernor as